

*United States Court of Appeals
for the Second Circuit*



APPENDIX

B

74-1972

United States Court of Appeals
FOR THE SECOND CIRCUIT

Docket No. 74-1972

UNITED STATES OF AMERICA,

Appellee,

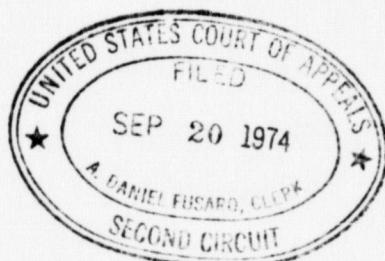
—against—

VITO DiBARTOLO,

Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

GOVERNMENT'S APPENDIX



DAVID G. TRAGER,
United States Attorney,
Eastern District of New York,
Attorney for Appellee.

H

PAGINATION AS IN ORIGINAL COPY

INDEX TO GOVERNMENT'S APPENDIX

| | PAGE |
|---|-------------|
| Criminal Docket Sheets | A-1 |
| Indictment | A-4 |
| Notice of Motion and Affidavit by Appellant | A-9 |
| Subpoenas issued by United States Marshals for the trial of <i>United States v. Vito DiBartolo</i> | A-21 |
| Government Vouchers issued to Witnesses for the trial in <i>United States v. Vito DiBartolo</i> | A-31 |

2021364

DUULING, J.

TITLE OF CASE **DOCKET ENTRIES**

ATTACHMENT

THE UNITED STATES

For U. S.:

A 1

158

VITO DIBARTOLO and AIDA PAGAN

also known as Aida Ramos

For Defendant: DI BARTOLO:
Vincent Tomaselli
118-12 Queens Blvd.
268-3535

forgery and possession of stolen mail

| DATE | PROCEEDINGS |
|---------|---|
| 1/30/71 | Before WEINSTEIN, J. - Indictment filed. |
| 1/7/72 | Before Mishler, Ch.J.-Case Called-Deft. DI BARTOLO produced in court a bench warrant-Counsel present-Deft DI BARTOLO arraigned and entered a plea of not guilty-Bail set at \$5,000.00 with a cash deposit of \$500.00 under the Bail Reform Act |
| 1/7/72 | Notice of appearance filed. (DI BARTOLO) |
| 1/7/72 | Bench warrant returned & filed/executed. (DI BARTOLO) |
| 10-72 | By CATTOGIO, J - Order for acceptance of Cash Bail filed (DI BARTOLO) |
| 1/13/72 | Magistrate's file 72 M 25 inserted in criminal file. |
| 1-23-72 | Before ROSLING, J.-Case called-Deft DI BARTOLO and atty present-Marked re on 24 hours notice as to deft DI BARTOLO. |
| 9-20-72 | Govts Notice of Readiness for Trial filed. |

CR1364

A 2

PROCEEDINGS

73 Before ROSLING, J. - Case called - Deft and his atty present - Deft PAGAN not present - Case marked ready as to deft Di Bartolo.

73 By DOOLING, J. - Order filed, that the trial in this case shall commence the week of August 20, 1973

20/73 Before DOOLING, J. - Case called - Deft not present - Date for trial or disp adjd to 9/14/73 at 9:45 A.M.

25/73 Before DOOLING, J. - Case called - Deft and counsel V. Tomaselli present Case adjd to 11/2/73 (DIBARTOLO)

-73 Before DOOLING J - Case called - deft DI BARTOLO & counsel present - trial scheduled for Feb. 11, 1974.

21-74 Before DOOLING J - case called deft Di Bartolo & counsel V. Tomaselli present - deft after being advised of his rights and on his own behalf withdraws plea of not guilty and enters a plea of guilty to count 7 - sentence adjd without date - Bail continued.

-26-74 Before DOOLING J - case called - deft Di Bartolo & counsel present. Deft sentence to imprisonment for 2 years on count 7 pursuant to 18:4205 (a)(2). On motion of Asst O'Brien counts 1 to 6 and 8 to 13 incl., are dismissed. Execution of sentence is stayed until May 24, 1974 by 2:00 PM to surrender to U.S. Marshal.

4-26-74 Judgment & Commitment filed - certified copies to Marshal (DI BARTOLO)

21-74 Notice of Motion filed (deft Vito Jack Di Bartolo) for an order setting aside the sentence etc or permitting deft to withdraw his plea of guilty to count 7 of the indictment (ret. May 29, 1974)

-24-74 Before DOOLING J - case called - deft Di Bartolo by counsel W. Sonenshine moves for stay of execution of sentence - motion granted - sentence stayed until May 29, 1974 at 4:30 PM (see Order on back of motion paper)

5-24-74 By DOOLING J - Order filed execution of sentence stayed on deft's motion to 5-29-74 at 4:30 PM. (Di Bartolo)

5-24-74 ~~affidavit of William Sonenshine filed~~
Before DOOLING, J. - Case called - Mr. Sonenshine as counsel for deft present After hearing and pending an evidentiary hearing it is ordered that execution of sentence is stayed until 6-24-74 at 4:30 P.M. (DIBARTOLO)

6-24-74 By DOOLING, J. - Order filed that execution of sentence is stayed until 6 at 4:30 P.M. (order on back of affidavit) (DI BARTOLO)

21-74 Before DOOLING, J. - Case called - Deft not present - Counsel William Sonenshine present - Ordered that the motion to set aside the judgment of conviction and to permit the deft to withdraw his plea of guilty is

upon his execution of an A.B. in the amount of \$5,000 secured by the deposit of \$500. If the bond on file covers appeal it will be contd. (VITO DIBARTOLO)

74 By DOOLING, J. - Memorandum and Order filed that motion to set aside the judgment of conviction and to permit deft to withdraw his plea of guilty is in all respects denied (DIBARTOLO)

74 Notice of appeal filed on denial of motion to set aside the judgment of conviction and to withdraw the guilty plea

4 Docket entries and duplicate of notice of appeal mailed to court of appeals (DIBARTOLO)

-74 2 Stenographers transcripts filed dated Feb. 11, 1974 and June 14, 1974. (Di Bartolo)

Stenographers Transcripts dated 4-26-74 filed

4 Record on Appeal certified and mailed to the C of A
(DI BARTOLO)

4-74 Acknowledgment received from the C of A for receipt of Index to Record (Di Bartolo)

ONLY COPY AVAILABLE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

A 4

INDICTMENT

----- X
UNITED STATES OF AMERICA

- against -

VITO DIARTOLO and AIDA PAGAN
also known as Aida Ramos,

Cr. No. 71 CR 1364
(18 U.S.C. § 2495, 18 U.S.C.
and § 2)

Defendant.

----- X
THE GRAND JURY CHARGES:

COUNT ONE

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIARTOLO, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 8706634 dated March 27, 1970, in the sum of One hundred Twenty Seven Dollars and Nine Cents (\$127.09), payable to Daniel Carpaneto, 80 39 259th Street, New Hyde Park, New York 11040. (Title 18 United States Code. §495.)

COUNT TWO

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIARTOLO, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 8702692 dated March 27, 1970, in the sum of Two hundred Seven Dollars and Fifty Nine Cents (\$207.59), payable to James A. Maniscalchi, 57 Irina Avenue, New Hyde Park, New York 11040. (Title 18 United States Code. §495.)

ONLY COPY AVAILABLE

COUNT THREE

A 5

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 8708703 dated March 27, 1970, in the sum of Fifty-Two Dollars and Sixty Cents (\$52.60), payable to William Keller, 54 Crescent Road, Port Washington, New York 11050. (Title 18 United States Code. 5495.)

COUNT FOUR

On or about the 22nd day of May 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 18887008 dated May 22, 1970, in the sum of Four hundred Forty Nine Dollars and Ninety Eight Cents (\$449.98), payable to Anna M. Doherty, 743 Silver Lake Place, Baldwin, New York 11510. (Title 18 United States Code. 5495.)

COUNT FIVE

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO, and the defendant AIDA PAGAN also known as Aida Ramos, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 8708653 dated March 27, 1970, in the sum of Three hundred Seventy Five Dollars and Thirteen Cents (\$375.13), payable to James and Lunn Price, 29 8th Street, Garfield City Park, New York 11040. (Title 18 United States Code. 5495, and 51.)

ONLY COPY AVAILABLE

COUNT SIX

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO, and the defendant AIDA PAGAN also known as Aida Ramos, for the purpose of obtaining and receiving a sum of money from the United States, did forge the endorsement of the payee on United States Treasury Check No. 8708632 dated March 27, 1970, in the sum of One Hundred Seventy Five Dollars and Thirty Eight Cents (\$175.38), payable to Patrice Ann Notaro, 79 Old Broadway, New Hyde Park, New York 11040. (Title 18 United States Code. 5495 and §2.)

COUNT SEVEN

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO did unlawfully have in his possession a United States Treasury Check No. 8708634 addressed to Daniel Carpaneto, 80 39 269th Street, New Hyde Park, New York 11040 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1700.)

COUNT EIGHT

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO did unlawfully have in his possession a United States Treasury Check No. 8708692 addressed to James A. Maniscalchi, 57 Irina Avenue, Port Washington, New York 11050 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1700.)

COUNT NINE

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO did unlawfully have in his possession a United States Treasury Check No. 67087003 addressed to William Keller, 54 Crescent Road, Fort Washington, New York, 11060 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1708.)

COUNT TEN

On or about the 22nd day of May 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO did unlawfully have in his possession a United States Treasury Check No. 18887008 addressed to Anna M. Doherty, 743 Silver Lake Place, Baldwin, New York 11510 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1708.)

COUNT ELEVEN

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIBARTOLO, and the defendant AIDA PAGAN also known as Aida Rane, did unlawfully have in their possession a United States Treasury Check No. 6708653 addressed to James and Buna Price, 29 3th Street, Garden City Park, New York 11040 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1708.)

ONLY COPY AVAILABLE

COUNT TWELVE

A 8

On or about the 27th day of March 1970, within the Eastern District of New York, the defendant VITO DIAMARTOLO, and the defendant AIDA PAGAN also known as Aida Ramos, did unlawfully have in their possession a United States Treasury Check No. 4703632 addressed to Patricia Ann Notaro, 79 Old Broadway, New Hyde Park, New York 11040 which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1708.)

COUNT THIRTEEN

On or about the 15th day of May 1970, within the Eastern District of New York, the defendant VITO DIAMARTOLO, and the defendant AIDA PAGAN also known as Aida Ramos, did unlawfully have in their possession a U.S. Department of Treasury and Finance Income Tax Special Refund Check No. 23020258 addressed to Halsey DM and DF, Cove Hollow Road, East Hampton, New York which was the contents of a letter stolen from the United States Mail, the defendant knowing the same to have been stolen. (Title 18 United States Code, §1708 and §2.)

A TRUE BILL.

FOR HIM.

UNITED STATES ATTORNEY

ONLY COPY AVAILABLE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

A 9

NOTICE OF MOTION AND
AFFIDAVIT OF APPELLANT

UNITED STATES OF AMERICA,

-against-

VITO JACK DI BARTOLO,

NOTICE OF MOTION

Indictment No.
71 CR 1364

Defendant.

S I R S : 7

PLEASE TAKE NOTICE that upon the annexed affidavit of VITO JACK DI BARTOLO, the defendant above named, sworn to the 20th day of May, 1974, and upon the minutes of the plea and sentence herein, the undersigned will make a motion on May 29, 1974 before the Honorable John F. Dooling, a Judge of the United States District Court for the Eastern District of New York at the Courthouse 225 Cadman Plaza East, Brooklyn, New York at 10:00 a.m. in the forenoon of that day or as soon thereafter as counsel can be heard for an order vacating and setting aside the sentence and judgement of conviction herein entered against him on April 26, 1974, wherein said defendant was sentenced to a prison term of two (2) years with execution thereof stayed to May 24, 1974 and, for a further order permitting defendant to withdraw his plea of guilty to Count Seven of said indictment, theretofore entered on February 11, 1974, and for such other and further relief as the Court may deem just and proper upon the grounds that said plea was taken and said sentence was imposed in violation of Title 28 U.S. Code Section 2255, Title 18 U.S. Code Federal Rules of Criminal Procedure, Rules 11 and 32 (d), and was further illegal under Title 18 U.S. Code Rule 35 Federal Rules of Criminal Procedure.

Yours, etc.,

EVSEROFF & SONENSHINE
Attorneys for Defendant
186 Joralemon Street
Brooklyn, New York 11201

TO:
HON. EDWARD J. BOYD, V
United States Attorney
Eastern District of New York

UNITED STATES OF AMERICA,

-against-

VITO JACK DI BARTOLO,

Defendant.

STATE OF NEW YORK)
)ss.:
COUNTY OF KINGS)

VITO JACK DI BARTOLO, being duly sworn, deposes and says:

I am the defendant above named and I make this affidavit in support of the within motion.

I was originally indicted in this Court under an indictment charging 13 Counts of Possession and Forgery of checks stolen from the U. S. mail, in violation of Title 18 U. S. Code, Section 1708. On February 11, 1974, I entered a plea of guilty to Count 7 of said indictment, charging me with Possession of a treasury check stolen from the U. S. mail. Thereafter on April 26, 1974, I was sentenced by the Honorable John F. Dooling, a Judge of this Court to be placed in the custody of the Attorney General for a period of two (2) years, subject to the provisions of Title 18 U. S. Code, Section 4802 (a)(2). Execution of the sentence was stayed until May 24, 1974 at 2 p. m., accordingly I am presently at liberty. In connection with the foregoing, I am simultaneously requesting that pending the hearing and determination of this motion, execution of the sentence be further stayed for a reasonable time thereafter as determined by the Court. I am informed by my attorney, William Sonenshine, Esq., that he has discussed this matter

with Assistant United States Attorney Joan O'Brien, who is in charge of the prosecution and she has advised Mr. Sonenshine that, subject to the approval of the Court, she would have no objection to a further stay pending the determination of this motion.

The pertinent facts upon which this motion is made are as follows.

The evidence leading up to the plea of guilty on February 11, 1974 (the minutes of which are annexed hereto) demonstrates that because of my inability to fully understand the English language, I believed that I was guilty simply because I possessed the check in question, even though did not actually know it was stolen.

I am now informed that if infact I did not know the check was stolen, I committed no Federal crime despite my plea of guilty. I am informed that Title 18 U.S. Code, Section 1708, under which I pleaded guilty, requires actual knowledge as an essential element of the crime.

I believe that the minutes will demonstrate that it was not explained to me that a jury would have to consider the issue of knowledge and find beyond a reasonable doubt that I knowingly possessed the check before I could lawfully be found guilty. I thought that my possession alone was sufficient to bring about a conviction.

Underlying my misunderstanding of the legal situation was my expressed inability to understand English properly. The record will indicate that while my then attorney occasionally translated for me, on most occasions including the important matters, he did not translate for me, resulting in the misunderstanding set forth above.

The following excerpts appear in the minutes of the guilty plea entered by me on February 11, 1974

plea of guilty to Count Seven, I want to make sure Mr. Dibartolo that you understand the nature of the charge and the consequences of your pleading guilty to it.

Now, the charge in Count Seven is that on or about the 27th day of March, 1970, within the Eastern District of New York you unlawfully had in your possession a United States Treasury check No. 8708634, addressed to Daniel Carponeta, 839 269th Street, New Hyde Park, New York 11040, which was the contents of a letter stolen from the U.S. Mail, you knowing it to have been stolen.

Now, do you understand the charge and what they are talking about; that you had this check in your hand and that you knew that it was a mailed check, a check that had been mailed to him and that it was stolen; do you understand that?

MR. DIBARTOLO: I understand what you say.

I don't say I stole it or not.

THE COURT: Did you have that check, that's what we are talking about; what they charge is that you had the check.

MR. TOMASELLI: His interpretation is as follows: He had the check in his possession. I just reiterated it in Italian what the situation was. He said he had the

check in his possession. He knew the check wasn't 100 percent good. This is his words to me -- however, he did not actually know that it was stolen. In other words, he didn't see anybody steal it but he knew that the check was not a bona fide check,

A 14

THE COURT: You knew that the man who gave it to you wasn't Mr. Carponeta?

MR. TOMASELLI: Tell the Judge.

MR. DIBARTOLO: Yes.

THE COURT: And you strongly suspected that it had been stolen?

MR. DIBARTOLO: Yes, I know it was something.

THE COURT: In other words, the circumstances in which you received the check made you understand that something was wrong with it?

MR. TOMASELLI: He says the individual brought it in, didn't tell him but he understood there was something wrong with the check.

THE COURT: You could tell from what he wanted for it, right?

MR. DIBARTOLO: Yes.

THE COURT: In other words, he didn't expect to get from you the whole face amount of the check?

MR. TOMASELLI: He said he told the individual he couldn't give him all the money. He gave him a portion, that he left and he knew he wouldn't be back.

THE COURT: All right. I think that's enough
to convince a jury that you knew it was stolen."

A 15

It should be called to the Court's attention that in advising me to a right to a jury trial and the procedures at such a trial, no mention was made of the fact that knowledge of the stolen nature of the check was essential to find me guilty. The Court's instructions to me in that regard are found at pages 3 through 9 inclusive of the plea minutes.

In connection with the issue of knowledge, the following appears in the plea minutes at page 9.

"THE COURT: I think we did go into the question as to whether you did or did not get involved with this check and we are, as I understand it, agreed that you did get this check from a man other than Mr. Carponeta.

MR. DIBARTOLO: Excuse me?

THE COURT: You got the check from a person whom you knew was not Daniel Carponeta?

MR. DIBARTOLO: Yes, because he left the check and not all the money given to him.

THE COURT: And that you got from him by giving him only part of what the check said it was for?

MR. DIBARTOLO: Supposed to come back, the man never showed up for the rest.

THE COURT: You knew he wasn't going to come back; is that right?

MR. DIBARTOLO: Say come back, never come back.

THE COURT: And then you put the check through?

MR. DIBARTOLO: Yes.

A 16

THE COURT: The plea of guilty on Count Seven is entered."

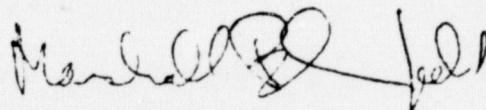
In view of the foregoing, I respectfully urge the Court that my plea of guilty was improperly taken, since I was not fully instructed that my conduct did not constitute the crime charged.

Rule 11 of the Rules of Criminal Procedure require that a plea of guilty shall not be taken "without first... determining that the plea is made ... with understanding of the nature of the charge and consequences of the plea". The rule further provides that "The Court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea".

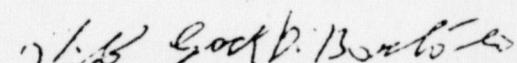
I am therefore advised and believe that the taking of my plea of guilty was not taken pursuant to the requirements of Rule 11 and, further, was taken in violation of the provisions of Title 18 U. S. Code 2255, and the plea and sentence as defined in Rule 35 was illegal and would constitute a manifest injustice under Rule 32 (d) of the Rules of Criminal Procedure.

WHEREFORE, I respectfully pray for the granting of the relief prayed for in the annexed notice of motion.

Sworn to before me this
20th day of May, 1974



MARSHALL BLUMENFELD
Notary Public, State of New York
No. 41-0330070, Qual. in Queens Co.
Co. U. S. Atty., Dist. Atty., Hon. G. B. Dwyer
Term Expires March 30, 1975



VITO JACK DI BARTOLO

NOTICE OF ENTRY

1. PLEASE TAKE NOTICE that the within
is a true copy of a

2. to be filed in the office of the clerk of the within
Court

19

19

Yours, etc.,

EVSEROFF & SONENSHINE

Attorneys for

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201

y for

NOTICE OF SETTLEMENT

1. PLEASE TAKE NOTICE that

2. which the within is a true copy will be pre-
sented for settlement to Mr. Justice

one of the Justices of the within named Court

1960 day of 19

M

19

Yours, etc.,

EVSEROFF & SONENSHINE

Attorneys for

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201

Esq.

Attorney for

Index No. _____

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK****UNITED STATES OF AMERICA,****-against-****VITO JACK DI BARTOLO,****Defendant****NOTICE OF MOTION AND
AFFIDAVIT****EVSEROFF & SONENSHINE**

Attorneys for Plaintiff

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201
(212) TR 5-0303 (212) UL 5-1111

To:

Esq.

Attorney for

Service of a copy of the within

is hereby admitted:

Dated, N.Y.,

19

Attorney for

FEB 1 1961

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA.

-against-

Indictment No.
71 CR 1364

VITO JACK DI BARTOLO,

Defendant.

STATE OF NEW YORK)
)ss:
COUNTY OF KINGS)

WILLIAM SONENSHINE, being duly sworn, deposes and says:

I am the attorney for the above named defendant and I make this affidavit in support of the within instant application to adjourn the defendant's present surrender date from May 24, 1974 to such other date as the Court may determine.

This request is being made because the defendant, after being sentenced by this Court April 26, 1974, was given until May 24, 1974 to surrender. In the interim he retained your deponent to move to set aside the judgment and guilty plea. Your deponent has made such a motion, which is returnable on May 29, 1974 to allow the United States Attorney time to submit opposing papers.

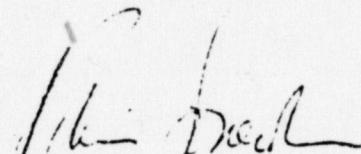
Your deponent has spoken to Assistant United States Attorney Jean O'Brien, who is in charge of this matter and, she has authorized me to state to this Court that, subject to the approval of this Court, she has no objection to an adjournment pending the hearing and determination of the motion.

WHEREFORE, it is respectfully prayed that the defendant's surrend

date be adjourned pending the hearing and determination of the aforesaid motion.

Sworn to before me this
21 day of May, 1974

John Sonenshine
May 21, 1974
21 May 1974


WILLIAM SONENSHINE

NOTICE OF ENTRY

To : PLEASE TAKE NOTICE that the within
is a true-certiied-copy of a

copy entered in the office of the clerk of the within
named court

19

Date : 19

Yours, etc.,

EVS ROFF & SONENSHINE

Attorneys for

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201

To:

Attorney for

NOTICE OF SETTLEMENT

To : PLEASE TAKE NOTICE that

of which the within is a true copy will be pre-
sented for settlement to Mr. Justice

one of the Justices of the within named Court
et

on the day of 19

M.

Dated: 19

Yours, etc.,

EVSEROFF & SONENSHINE

Attorneys for

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201

To:

Esq.

Attorney for

Index No.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

VITO JACK DI BARTOLO,

Defendant.

AFFIDAVIT

EVSEROFF & SONENSHINE

Attorneys for Defendant

Office and Post Office Address

186 JORALEMON STREET
BROOKLYN, NEW YORK 11201
(212) TR 5-0903 (212) UL 5-1111

To:

Esq.

Attorney for

Service of a copy of the within

is hereby admitted:

Dated, N.Y. 19

Attorney for

RECEIVED
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MAY 22 2 00 PM '74

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUBPOENAS ISSUED BY UNITED STATES MARSHALS FOR THE TRIAL U.S. v. VITO DI BARTOLO

Subpoena to Testify

Cr. Form No. 20 (Rev. 5-62)

TPP:JOB:sj

United States District Court

A 21

FOR THE
EASTERN DISTRICT OF NEW YORK

ADVANCED FUNDS
AUTHORIZED

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO,
Defendant.

} No. 71 CR 1364

To Salvatore Leone, Jr.
55 Sweetbriar Drive
Newport News, Virginia
You are hereby commanded to appear in the United States District Court for the Eastern
District of New York at 225 Cadman Plaza East in the city of
Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to
testify in the above-entitled case.

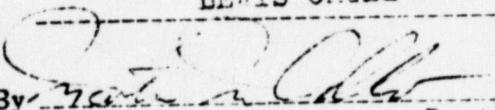
This subpoena is issued on application of the UNITED STATES OF AMERICA.

February 6, 1974

LEWIS ORGEL

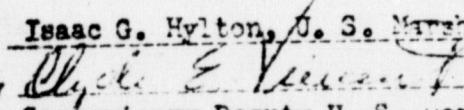
Clerk.

EDWARD JOHN BOYD - V
Attorney for USA

By 
Deputy Clerk.

EDNY
Address

• RETURN
Served Subpoena Ticket on Salvatore Leone, Jr., on 2/5/74 at Hampton, Virginia.
Received this subpoena at _____ on _____
and on _____ at _____ I served it on the
within named _____
by delivering a copy to _____ and tendering² to _____ the fee for one day's attendance and the mileage
allowed by law.

Isaac G. Hylton, U. S. Marshal
By 
Supervisory Deputy U. S. Marshal

Service Fees

Travel _____ \$
Services _____
Total _____ \$

¹ Insert "United States," or "defendant" as the case may be.

² Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825, or on behalf of a defendant who is financially unable to pay such costs (Rule 17(b), Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

WFO:JDP:sj
RE 715,303

A 22

United States District Court

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VITO DI BARTOLO,
Defendant.

No. 71 CR 1364

To Allen Halsey
Cove Hollow Road
East Hampton, N.Y. 11937
 You are hereby commanded to appear in the United States District Court for the Eastern
 District of New York at 225 Cadman Plaza East in the city of
 Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to
 testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.
 (Assistant U.S. Attorney Joan S. O'Brien - 212-585-1421)

February 7, 1974.

FEB 7 1974

EDWARD JOHN BOYD V.
 Attorney for USA
 123 Y
 Address

By _____ Clerk
 Deputy Clerk

• RETURN

Received this subpoena at _____ on _____
 and on _____ at _____ I served it on the
 within named _____ by delivering a copy to _____ and tendering to _____ the fee for one day's attendance and the mileage
 allowed by law.

Edward E. Finch
 By _____

Subpoena Fees
 Travel _____ \$
 Services _____
 Total _____ \$

insert "United States" or "defendant" as the case may be.
 "Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof, by Rule 1825, on behalf of a defendant who is financially unable to pay them" (Rule 17(b), Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

PP:JOM:gi
4-715, 313

A 23

United States District Court

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO,
Defendant.

No. 71 CR 1364

To Gary Singer
28 Firwood Road
Port Washington, N.Y.

You are hereby commanded to appear in the United States District Court for the ^{Eastern} District of New York at 225 Cadman Plaza East in the city of Brooklyn, N.Y. on the 11th day of February 74 at 9:00 o'clock A.M. to testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.

(Assistant U.S. Attorney Joan S. O'Brien - 212-596-4480).

February 7, 1974

Clerk

EDWARD JOHN BOYD V

Attorney for USA
EDNY

By

Deputy Clerk

Address

RETURN

Received this subpoena at _____ on _____ I served it on the _____ and on _____ at _____ I served it on the _____ within named _____ and tendering to _____ the fee for one day's attendance and the mileage allowed by law.

Service Fees

, By _____

| | |
|----------|----|
| Travel | \$ |
| Services | |
| Total | \$ |

I insert "United States" or "defendant" as the case may be. Fees and mileage may not be tendered to an witness upon service of a subpoena issued in behalf of the United States or an officer or agent of the United States or on behalf of a defendant in a civil proceeding under the Federal Rules of Civil Procedure (Rule 17(b), Federal Rules of Criminal Procedure).

ONLY COPY AVAILABLE

United States District Court

A 24

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VITO DI BARTOLO,
Defendant.

No. 71 CR 1364

Kathleen Singer
1023 Firwood Road
Port Washington, N.Y.

You are hereby commanded to appear in the United States District Court for the **Eastern**
 District of **New York** at **225 Cadman Plaza East** in the city of
Brooklyn, N.Y. on the **11th** day of **February** **74** at **9:00** o'clock **A.M.** to
 testify in the above-entitled case.

This subpoena is issued on application of the **UNITED STATES OF AMERICA**.

(Assistant U.S. Attorney **Joan S. O'Brien - 212-596-1583**)
 February 7 **74**, 19

EDWARD JOHN BOYD V

Clerk

Attorney for USA

Deputy Clerk

EDNY

Address

By

RETURN

Received this subpoena at _____ on _____
 and on _____ at _____ I served it on _____
 within named _____
 by delivering a copy to _____ and tendering¹ to _____ the fee for one day's attendance and the mileage
 allowed by law.

Service Fees

: By _____

| | |
|----------|----|
| Travel | \$ |
| Services | \$ |
| Total | \$ |

¹ Insert "United States," or "defendant" as the case may be.
 _____ and mileage need not be tendered if the witness upon service of a subpoena is sued in behalf of the
 _____ an officer or agency thereof, 28 U.S.C. 1843, or on behalf of a defendant who is financing or is to
 _____ finance his or her defense, Federal Rules of Criminal Procedure.

ONLY COPY AVAILABLE

TPP:JOB:sj
F# 715,303

United States District Court

A 25

FOR THE

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO,
Defendant.

} No. 71 CR 1364

To **Doniano Palazzolo** (Tel. # 696-3116)
1570 Remsen Avenue
Brooklyn, New York**You are hereby commanded to appear in the United States District Court for the Eastern****District of New York** at **225 Cadman Plaza East** in the city of
Brooklyn, N.Y. on the **11th day of February 1974** at **9:00 o'clock A. M.** to
testify in the above-entitled case.This subpoena is issued on application of the **UNITED STATES OF AMERICA**,
(Assistant U.S. Attorney Joan S. O'Brien - 212-596-4483)
February 7, 1974

JULIA ORGEL

EDWARD JOHN BOYD V

Attorney for USA

EDNY

By

Deputy Clerk

Address

RETURN

Received this subpoena at **7:00 A.M.** on **February 7, 1974** at **1570 Remsen Avenue**
within named **Brooklyn, New York** and served it on the **Defendant** **VITO DI BARTOLO**
by delivering a copy to **Doniano Palazzolo** and tendering¹ to **him** the **fee** for one day's attendance and the mileage
allowed by law.

Service Fees

By **EDWARD JOHN BOYD V**Travel **\$**
Services
Total **\$**¹ Insert "United States," or "defendant" as the case may be.

Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof, 28 USC 1825, or on behalf of a defendant who is financially unable to pay such fees (Rule 17(b), Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

TEP:JJD:GJ
FEB 7 1974, 303

United States District Court

A 26

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO,
Defendant.

No. 71 CR 1364

To Vito Locante
Locante's Jersey Lynne Farm
3502 Avenue D, Brooklyn, New York
You are hereby commanded to appear in the United States District Court for the Eastern
District of New York, at 225 Cadman Plaza East in the city of
Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A. M. to
testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.

(Associate U.S. Attorney Joan S. O'Brien - 212-596-4468)
February 7, 1974.

Clerk

EDWARD JOHN BOYD, V.
Attorney for USA

By _____ Deputy Clerk

EDNY
Address

RETURN

Received this subpoena at _____ on _____ I served it on the
and on _____ at _____ within named _____
by delivering a copy to _____ and tendering to _____ the fee for one day's attendance and the mileage
allowed by law.

Service Fees

Travel _____ \$
Services _____
Total _____ \$

By _____

¹ Insert "United States," or "defendant" as the case may be.
² Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof. 28 USC 1825, or on behalf of a defendant who is financially unable to pay such fees and mileage. (Rule 17(b), Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

TYP:JOD:j
F# 715,333

A 27

United States District Court

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO,
Defendant.

No. 71 CR 1364

To Daniel Cirpaneto
80-39 269th Street
New Hyde Park, N.Y. 11040You are hereby commanded to appear in the United States District Court for the Eastern
District of New York at 225 Cadman Plaza East in the city of
Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to
testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.

(Assistant U.S. Attorney Joan S. O'Brien - 212-596-6133) PRGEI
February 7, 1974.

Clerk.

EDWARD JOHN BOYD V.

Attorney for USA

EDNY

Address

By

Deputy Clerk.

RETURN

Received this subpoena at 6:00 a.m. on 3/6/74
and on 3/6/74 at 9:00 a.m.
within named Edward Cirpaneto
by delivering a copy to him and tendering toI served it on the
the fee for one day's attendance and the mileage
allowed by law.*By [Signature]*

By [Signature]

Service Fees

Travel \$
Services
Total \$Insert "United States" or "defendant" as the case may be.
Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof, or U.S. 1825, or on behalf of a defendant who is financially unable to pay such fees (Rule 17(d), Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

United States District Court

A 28

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VITO DI BARTOLO,
Defendant.

No. 74 CR 1364

William Miller
54 Greenwich Road
Port Washington, New York 11050

Eastern

You are hereby commanded to appear in the United States District Court for the
 District of New York at 225 Cadman Plaza East in the city of
 Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to
 testify in the above-entitled case.

UNITED STATES OF AMERICA.

This subpoena is issued on application of the
 (Assistant U.S. Attorney John S. O'Brien - 212-596-4438)

February 7, 1974

Clerk

EDWARD JOHN BOYD V

By

Deputy Clerk

Attorney for USA

FDNY

Address

RETURN

Received this subpoena at _____ on _____
 and on _____ at _____ I served it on _____
 within named _____
 by delivering a copy to _____ and tendering² to _____ the fee for one day's attendance and the mileage
 allowed by law.

Service Fees

, By _____

Travel _____ \$ _____

Services _____

\$ _____

Total _____

\$ _____

² Insert "United States" or "defendant" as the case may be.
 Federal Rules of Civil Procedure, Rule 4, provides for service of a subpoena issued in behalf of the United States or a defendant who is a corporation, partnership, or association, or in behalf of a defendant who is a citizen, may make payment of fees (Rule 17(b), Federal Rules of Civil Procedure).

ONLY COPY AVAILABLE

Subpoena to Testify

TPP:JOB:51

Cr. Form No. 24 (Rev. 7-26)

United States District Court

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VITO DI BARTOLO,
Defendant.

No. 71 GR 1364

To Patricia Ann Starnes

79 046 3-722201

Two Hyde Park, N.Y. 11040
You are hereby commanded to appear in the United States District Court for the Eastern
District of New York at 225 Cadman Plaza East in the city of
Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to
testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.
(Assistant U.S. Attorney Joan S. O'Brien - 212-596-4438)

February 7, 1974.

Clark

EDWARD JOHN BOYD III
Attorney for USA
FBI/K

By *Henry Clark*

Adviser

RETURN

Received this supplement
united
within named
by delivering a copy to
allowed by law.

011

I served it on the

the fee for one day's attendance and the mileage

Service Fees

By *John C. H. Studdert-Kennedy*

Travel
Services
Total

ONLY COPY AVAILABLE

Subpoena to Testify

1003 - 124
United States District Court A 30FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.
VITO DI BARTOLO
Defendant.

No. 71 CR 1364

To James A. Maniscalchi
57 Anna Avenue
Port Washington, N.Y.

You are hereby commanded to appear in the United States District Court for the Eastern District of New York at 225 Cadman Plaza East in the city of Brooklyn, N.Y. on the 11th day of February 1974 at 9:00 o'clock A.M. to testify in the above-entitled case.

This subpoena is issued on application of the UNITED STATES OF AMERICA.

(Assistant U.S. Attorney John S. O'Brien - 212-501-5012)
February 7, 1974. Clerk

EDWARD JOHN BOYD, V.
Attorney for USA
EDW
Address

By _____ Deputy Clerk

• RETURN

Received this subpoena _____ on _____ I served it on the witness named _____ at _____ by delivering a copy to _____ and tendering to _____ the fee for one day's attendance and the mileage allowed by law.

By _____

Service Fees

Travel _____ \$

Services _____

Total _____ \$

¹ Insert "United States" or "defendant" as the case may be.
² For criminal proceedings, the witness may be cited to appear before a grand jury or a trial court only if served 28 U.S.C. § 1833, or in the case of a defendant who is not fully advised of his rights, (Title 18, U.S. Federal Rules Criminal Procedure).

ONLY COPY AVAILABLE

GOVERNMENT VOUCHERS ISSUED TO WITNESSES FOR THE TRIAL U.S. v. VITO DI BARTOLO

A 31

UNITED STATES VS **VITO DI BARTOLO**
UNITED STATES DISTRICT COURT, **Eastern**
DISTRICT OF: **New York**

WITNESS: **Salvatore Leone**
ADDRESS: **55 Sweetbriar Drive
Newport News, Virginia**
No.: **71 CR 1364**

(An employee of the United States Attorney's or Commissioner's office will initial appropriate block for each day on which the witness attends)

| MONTH | February | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|-------|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

J. J. Scherzer
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. COMMISSIONER)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Commissioner where more than four witnesses were used, the Commissioner further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74

WITNESS ATTENDANCE CERTIFICATE
FEBRUARY 1974 (FBI, 2-1-69)
PRINTED AND SIGNED BY J. J. Scherzer, DENVER, CO.
FEB 11 1974

J. J. Scherzer
(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Commissioner)

UNITED STATES VS VITO DI BARTOLO

WITNESS: Donald Halsey

UNITED STATES DISTRICT COURT, **Eastern**

P.O. Box 940

East Hampton, N.Y. 11937

DISTRICT OF: **New York**No.: **71 CR 1364**

(An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attended.)

| | | | | | | | | | | | | | | | | | |
|-------|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | February | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| MONTH | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

Stella L. Jackson
(Signature of Employee)**CERTIFICATE OF U. S. ATTORNEY (U.S. MAGISTRATE)**

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74*Dean LaBuer*
(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-74, REV. 2-4-70
FORM APPROVED BY CAMPUS COUNCIL
JAN. 22, 1970

UNITED STATES vs **VITO DI BARTOLO**UNITED STATES DISTRICT COURT, **Eastern**

WITNESS:

Ellen Halsey**P.O. Box 940****EAst Hampton, N.Y. 11937**DISTRICT OF: **New York**No.: **71 CR 1364**

(An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attends)

| | | | | | | | | | | | | | | | | |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

Stella L. Chapman

(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74*Dean L. Breen* (Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-728 (REV. 2-4-71)
FORM APPROVED BY: COMPT. GEN. U. S.
JANUARY 11, 1966

UNITED STATES VS **VITO DI BARTOLO**WITNESS: **James A. Maniscalchi**UNITED STATES DISTRICT COURT, **Eastern**ADDRESS: **57 Irma Avenue
Port Washington, N.Y. 110**DISTRICT OF: **New York**No.: **71 CR 1364**

(An employee of the United States Attorney's or Commissioner's office will initial appropriate block for each day on which the witness attends)

| | | | | | | | | | | | | | | | | | |
|-------|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----|
| MONTH | February | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| MONTH | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

Stella L. Jackson
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. COMMISSIONER)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Commissioner where more than four witnesses were used, the Commissioner further certifies that the approval and certificate of the U. S. Attorney were first obtained.

2/11**74**Date **19***James J. Breen*
(Signature of U. S. Attorney or U. S. Commissioner)

U. S. ATTENDANCE CERTIFICATE
FORM NO. USA-798 (REV. 2-1-63)
FED. APPROVED BY COMPT. GEN'L. U. S.
JAN. 11, 1956

UNITED STATES vs **VITO DI BARTOLO**
UNITED STATES DISTRICT COURT, **Eastern**

WITNESS: **Gary Singer**
ADDRESS: **105 Fairview Avenue
Port Washington, N.Y.**

DISTRICT OF: **New York**

No.: **71 CR 1364**

An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attends.

| | | | | | | | | | | | | | | | |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

Attendance checked above is correct.

Stella L. Glick
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence. In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74

Jan. 19, 1974
(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-798 (REV. 2-4-71)
FORM APPROVED BY COMPT. GEN. U. S.
JANUARY 11, 1956

UNITED STATES vs **VITO DI BARTOLO**
 UNITED STATES DISTRICT COURT, **Eastern**
 DISTRICT OF **New York**

WITNESS: **Domiano Palazzolo**
 ADDRESS: **1570 Reasen Avenue
 Brooklyn, New York**

No.: **71 CR 1364**

An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attends.

| | | | | | | | | | | | | | | | | |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | | |

Attendance checked above is correct.

Stella L. Becker
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74

Janice J. Breen
(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

WITNESS ATTENDANCE CERTIFICATE
 FORM NO. USA-1 (REV. 2-4-71)
 FORM APPROVED BY COMPT. GEN. U. S.
 JANUARY 11, 1956

UNITED STATES vs **VITO DI BARTOLO**
 UNITED STATES DISTRICT COURT, **Eastern**
 DISTRICT OF: **New York**

WITNESS: **Vito Loconte**
 ADDRESS: **88-02 Foster Avenue
 Brooklyn, N.Y. 11236**

No.: **71 CR 1364**

(An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attended.)

| | | | | | | | | | | | | | | | | |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

Stu L. Jackson
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 1974

John J. Breen
(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

WITNESS ATTENDANCE CERTIFICATE
 FORM NO. USA-128B (REV. 2-1-71)
 FORM APPROVED BY COMPT. GEN. U. S.
 JANUARY 11, 1956

UNITED STATES vs **VITO DI BARTOLO**WITNESS: **Daniel Carpaneto**UNITED STATES DISTRICT COURT, **Eastern**73-04 263rd Street
ADDRESS: **Glen Oaks, N.Y. 11004**DISTRICT OF: **New York**No.: **71 CR 1364**

(An employee of the United States Attorney's or Commissioner's office will initial appropriate block for each day on which the witness attends)

| | | | | | | | | | | | | | | | | | | |
|-------|-----------------|----|----|----|----|----|----|----|----|----|----|----|-----------|----|----|----|----|----|
| MONTH | February | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | <i>SJ</i> | 12 | 13 | 14 | 15 | 16 |
| MONTH | | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | | |
| MONTH | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | |

Attendance checked above is correct.

Stella L. Geller
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. COMMISSIONER)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Commissioner where more than four witnesses were used, the Commissioner further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74*John J. Breen*
(Signature of U. S. Attorney, Atty. U. S. Attorney or U. S. Commissioner)

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-798 (REV. 2-1-69)
FORM APPROVED BY COMPT. GEN'L. U. S.
JAN. 1966

UNITED STATES VS **VITO DI BARTOLO**UNITED STATES DISTRICT COURT, **Eastern**DISTRICT OF: **New York**No.: **71 CR 1364**WITNESS: **William Byron**
9041 209th Street
ADDRESS: **Queens, Village, N.Y. 11410**

(An employee of the United States Attorney's or Commissioner's office will initial appropriate block for each day on which the witness attends)

| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | | |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

William L. Jackson
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. COMMISSIONER)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence.

In proceedings before United States Commissioner where more than four witnesses were used, the Commissioner further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Date 2/11 19 74*John L. Brown*
(Signature of U. S. Attorney, Ass't U. S. Attorney or U. S. Commissioner)

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-728 (REV. 2-1-69)
FORM APPROVED BY COMPT. GEN'L., U. S.
JANUARY 31, 1956

VITO DI BARTOLO
 UNITED STATES vs ~~XXXXXX~~
 UNITED STATES DISTRICT COURT, **Eastern**
 DISTRICT OF **New York**

WITNESS: **Sanford Lindenbaum**
 ADDRESS: **C/O Linden Storefront
 81-11 101st Avenue
 Ozone Park, N.Y. 11416**

No.:

(An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attends)

| | | | | | | | | | | | | | | | |
|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| MONTH | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 20 | 31 |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |

Attendance checked above is correct.

Stella L. Jackson
(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U. S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence. In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.

Barry J. Breen

(Signature of U. S. Attorney, Asst. U. S. Attorney or U. S. Magistrate)

Date 2/11 1974

WITNESS ATTENDANCE CERTIFICATE
 FORM NO. USA-790, REV. 2-4-71
 FORM APPROVED BY COMPT. GEN. U. S.
 JANUARY 1, 1956

UNITED STATES VS **VITO DI BARTOLO**UNITED STATES DISTRICT COURT. **XXXX Eastern** ADDRESS: **743 Silverlake Place****Baldwin, N.Y. 11510**DISTRICT OF: **New York**No.: **71 CR 1364**

(An employee of the United States Attorney's or Magistrate's office will initial appropriate block for each day on which the witness attends)

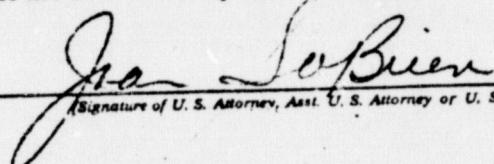
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| February | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | |
| MONTH | | | | | | | | | | | | | | | | |
| MONTH | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |

Attendance checked above is correct.

(Signature of Employee)

CERTIFICATE OF U. S. ATTORNEY (U.S. MAGISTRATE)

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. He (is) (is not) entitled to the subsistence allowance provided by law by reason of the distance involved from point of attendance to his residence. In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate further certifies that the approval and certificate of the U. S. Attorney were first obtained.



(Signature of U.S. Attorney, Asst. U.S. Attorney or U.S. Magistrate)

Date 19 74

WITNESS ATTENDANCE CERTIFICATE
FORM NO. USA-798 (REV. 2-4-71)
FORM APPROVED BY COMPT. GEN. U.S.
JANUARY 11, 1968